

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION**

MARIO ROEDERER, individually, and on behalf of **FLOWJO, LLC**, an Oregon Limited Liability Company,

Plaintiffs,

v.

ADAM TREISTER, individually, and **TREE STAR, INC.**, an Oregon corporation,

Defendants.

Case No.: 1:13-cv-01021-CL

ORDER

CLARKE, Magistrate Judge,

This matter comes before the Court on Defendants' request for clarification of the Preliminary Injunction (#95), which was ordered on March 5, 2014. The Court held a status conference on March 10, and the parties submitted written proposals and responses thereafter.

First, the parties dispute the language of the Preliminary Injunction at paragraph 2 of the Order on page 16, which states that "Defendants are directed to post all software updates to FlowJo's website, www.flowjo.com." The Court acknowledges that the domain name of the website is registered to Tree Star Inc. The sentence is not to be construed as determining the

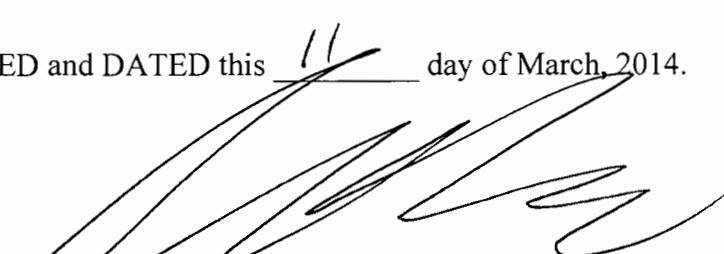
ownership of the website, but merely identifies the website as that which services FlowJo software.

Second, the parties are ordered to confer and then, by Monday, March 17, submit a proposed name or list of names to the Court for consideration in appointing a special master or independent accountant. Include a brief summary of the qualifications of any person named.

Third, as stated in the Order, all revenues from sales of FlowJo's products shall be directed into FlowJo LLC's operating account. Tree Star, Inc. shall be paid out of this account to cover operating expenses, up to 75% of the total revenue. If Tree Star's expenses exceed this amount, it may follow the procedure laid out in the Order, making an expedited request if necessary, or it may confer with Plaintiff and attempt to resolve the issue without Court intervention. Once a special master has been appointed, the parties may wish to streamline the process, and the Court will consider any joint proposal the parties can devise for making the procedure more efficient.

The parties shall set up a separate, interest bearing, trust account in the name of FlowJo, LLC, and the revenue remaining after expenses shall be directed into this account. Both parties shall have the ability to monitor the account, but neither shall have the authority to make a withdrawal without a Court order until the litigation has resolved.

IT IS SO ORDERED and DATED this 11 day of March, 2014.


MARK D. CLARKE
United States Magistrate Judge